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CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRAVIS JONSRUD,

Plaintiff,

vs.

CITY OF DESERT HOT SPRINGS,
OFFICER LARRY ESSEX,
SERGEANT ROBERT RITCHIE,
OFFICER PAUL TAPIA, OFFICER
JASON HUNTER, RAUL
SANDOVAL, and DOES 1-10,
inclusive,

Defendants.

ED CV Case No. 09 - 01912

OP

COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure—
Detention and Arrest (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—
Excessive Force and Denial of
Medical Care (42 U.S.C. § 1983)
3. Municipal Liability for
Unconstitutional Custom, Practice,
or Policy (42 U.S.C. § 1983)
4. False Arrest/False Imprisonment
5. Assault/Battery
6. Negligence
7. Intentional Infliction of Emotional
Distress

DEMAND FOR JURY TRIAL

COMPLAINT

FILED BY FAX
CRC 2005

Plaintiff Travis Jonsrud, for his complaint against Defendants City of Desert
Hot Springs, Officer Larry Essex, Sergeant Robert Ritchie, Officer Paul Tapia,
Officer Jason Hunter, Raul Sandoval, and Does 1-10, inclusive, alleges as follows:

1 **INTRODUCTION**

2 1. This civil rights action seeks compensatory and punitive damages from
3 Defendants for violating various rights under the United States Constitution and
4 state law in connection with the February 25, 2009 encounter between the involved
5 officers and Plaintiff.

6
7 **PARTIES**

8 2. At all relevant times, Plaintiff TRAVIS JONSRUD ("JONSRUD") was
9 a resident of the City of Desert Hot Springs, California.

10 3. At all relevant times, Defendant CITY OF DESERT HOT SPRINGS
11 ("CITY") is and was a duly organized public entity, form unknown, existing under
12 the laws of the State of California. At all relevant times, CITY was the employer of
13 Defendants OFFICER LARRY ESSEX ("ESSEX"); SERGEANT ROBERT
14 RITCHIE ("RITCHIE"); OFFICER PAUL TAPIA ("TAPIA"); OFFICER JASON
15 HUNTER ("HUNTER"); DOES 1 through 5 ("DOE OFFICERS"), who were CITY
16 Police Officers, and DOES 6 through 10 ("DOE SUPERVISORS"), who were
17 managerial, supervisory, and policymaking employees of the CITY Police
18 Department. At all relevant times, ESSEX, RITCHIE, TAPIA, HUNTER, DOE
19 OFFICERS, and DOE SUPERVISORS were residents of Riverside County,
20 California. ESSEX, RITCHIE, TAPIA, HUNTER, and DOE OFFICERS are sued
21 in their individual capacity for damages only.

22 4. At all relevant times, Defendants ESSEX, RITCHIE, TAPIA,
23 HUNTER, DOE OFFICERS, and DOE SUPERVISORS were duly authorized
24 employees and agents of the CITY, who were acting under color of law within the
25 course and scope of their respective duties as Police Officers and with the complete
26 authority and ratification of their principal, Defendant CITY.

27 5. At all relevant times, Defendants ESSEX, RITCHIE, TAPIA,
28 HUNTER, DOE OFFICERS, and DOE SUPERVISORS were duly appointed

1 officers and/or employees or agents of CITY, subject to oversight and supervision
2 by CITY's elected and non-elected officials.

3 6. At all relevant times, RAUL SANDOVAL ("SANDOVAL") was a
4 Police Officer and employee of the City of San Bernardino Police Department. At
5 all relevant times, SANDOVAL was either acting under color of law or conspiring
6 with the other defendant officers to violate Plaintiff's civil rights. At all relevant
7 times, SANDOVAL was a resident of San Bernardino County, California, and is
8 sued in his individual capacity for damages only.

9 7. At all times mentioned herein, each and every defendant was the agent
10 of each and every other defendant and had the legal duty to oversee and supervise
11 the hiring, conduct and employment of each and every defendant herein.

12 8. The true defendants DOES 1 through 10, inclusive, are unknown to
13 Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff
14 will seek leave to amend this complaint to show the true names and capacities of
15 these defendants when they have been ascertained. Each of the fictitious named
16 defendants is responsible in some manner for the conduct and liabilities alleged
17 herein.

18 9. In doing the acts and failing and omitting to act as hereinafter
19 described, Defendants ESSEX, RITCHIE, TAPIA, HUNTER, DOE OFFICERS,
20 and DOE SUPERVISORS were acting on the implied and actual permission and
21 consent of CITY.

22 10. On March 2, 2009, Plaintiff filed a comprehensive and timely claim for
23 damages with CITY pursuant to applicable sections of the California Government
24 Code.

25 11. On April 14, 2009, CITY denied said claims.
26
27
28

1 **JURISDICTION AND VENUE**

2 12. This civil action is brought for the redress of alleged deprivations of
3 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the
4 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction
5 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

6 13. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
7 Plaintiff and Defendants reside in, and all incidents, events, and occurrences giving
8 rise to this action occurred in, the County of Riverside, California.

9
10 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

11 14. Plaintiff repeats and realleges each and every allegation in paragraphs 1
12 through 13 of this Complaint with the same force and effect as if fully set forth
13 herein.

14 15. On or about February 25, 2009, at or near the intersection of Palm
15 Drive and Hacienda Avenue in Desert Hot Springs, California, SANDOVAL
16 detained JONSRUD without probable cause or reasonable suspicion and/or without
17 legal authority to do so. While on duty as a CITY Police Officer, ESSEX also
18 detained JONSRUD without probable cause or reasonable suspicion.

19 16. ESSEX used excessive force against JONSRUD, including but not
20 limited to, grabbing, pulling, punching, kicking, and jumping on his back.
21 SANDOVAL used excessive force against JONSRUD, including but not limited to,
22 grabbing and pulling him.

23 17. While on duty as CITY Police Officers, RITCHIE and TAPIA used
24 excessive force against JONSRUD, including but not limited to, deploying Tasers
25 on him several times.

26 18. While on duty as a CITY Police Officer, HUNTER used excessive
27 force against JONSRUD, including but not limited to, grabbing and pulling him.
28

1 19. RITCHIE, TAPIA, and ESSEX used excessive force against
2 JONSRUD, including but not limited to, pointing large caliber handguns at
3 JONSRUD and shooting at him more than twenty times.

4 20. Based on the information known to Defendants, a reasonable officer in
5 their position could not possibly conclude that JONSRUD presented an imminent
6 threat of death or serious bodily injury to anyone when he was shot. Defendants had
7 no information that JONSRUD had any weapon, or that JONSRUD was attempting
8 to obtain or wield any weapon against anyone.

9 21. Defendants had no information that JONSRUD had committed any
10 crime, was resisting arrest or trying to evade arrest by flight, and even if there had
11 been a lawful reason to take JONSRUD into custody or if he had presented any sort
12 of threat (which he did not), Defendants ignored many reasonable alternative means
13 of responding to the situation.

14 22. Defendants handcuffed JONSRUD and took him into custody without
15 probable cause to believe that he had committed any crime.

16 23. On information and belief, Defendants purposefully did not
17 immediately report the use of force or seek medical assistance for JONSRUD.

18 24. On information and belief, Defendants, although having actual and
19 constructive notice and knowledge of JONSRUD's serious medical conditions,
20 purposefully disregarded his medical needs.

21 25. Based on Defendants' knowingly false statements and withholding of
22 exculpatory evidence, the Riverside County District Attorney charged JONSRUD
23 with two felony counts of assault on a peace officer.

24 26. Defendants acted with deliberate indifference and with purpose to harm
25 unrelated to any legitimate law enforcement objective.

26 27. As a direct result of Defendants' conduct, JONSRUD sustained critical,
27 life-threatening injuries, including gunshot wounds to his head, chest, and leg.
28 JONSRUD experienced several pain and suffering, emotional distress, mental

1 anguish, humiliation, and false imprisonment. JONSRUD also incurred substantial
2 medical and legal expenses and lost earning capacity. JONSRUD's damages
3 include both past and future losses.

4
5 **FIRST CLAIM FOR RELIEF**

6 **Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983)**
7 (Against Defendants ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, AND
8 DOE OFFICERS)

9 28. Plaintiff repeats and realleges each and every allegation in paragraphs 1
10 through 27 of this Complaint with the same force and effect as if fully set forth
11 herein.

12 29. Defendants ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and
13 DOE OFFICERS detained and arrested JONSRUD in violation of his right to be
14 secure in his person against unreasonable searches and seizures as guaranteed to
15 JONSRUD under the Fourth Amendment to the United States Constitution and
16 applied to state actors by the Fourteenth Amendment.

17 30. As a result of the conduct of ESSEX, RITCHIE, TAPIA, HUNTER,
18 SANDOVAL, and DOE OFFICERS, they are liable for JONSRUD's injuries, either
19 because they were integral participants in the wrongful detention and arrest, or
20 because they failed to intervene to prevent these violations.

21 31. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL,
22 and DOE OFFICERS was willful, wanton, malicious and done with reckless
23 disregard for the rights and safety of JONSRUD and therefore warrants the
24 imposition of exemplary and punitive damages as to Defendants ESSEX, RITCHIE,
25 TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS.

26 32. Accordingly, Defendants ESSEX, RITCHIE, TAPIA, HUNTER,
27 SANDOVAL, and DOE OFFICERS each are liable to JONSRUD for compensatory
28 and punitive damages under 42 U.S.C. § 1983.

SECOND CLAIM FOR RELIEF

Unreasonable Search and Seizure—Excessive Force and Denial of Medical Care (42 U.S.C. § 1983)

(Against Defendants ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and
DOE OFFICERS)

33. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 32 of this Complaint with the same force and effect as if fully set forth herein.

34. The unjustified assault, battery, and shooting of JONSRUD by ESSEX, RITCHIE, TAPIA, HUNTER, and SANDOVAL, and the wrongful denial of medical care by ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS, deprived JONSRUD of his right to be secure in his person against unreasonable searches and seizures as guaranteed to the JONSRUD under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

35. The actions of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS deprived JONSRUD of his right to be free from state actions that shock the conscience under the Fourteenth Amendment's Due Process Clause.

36. As a result of the conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS, they are liable for JONSRUD's injuries, either because they were integral participants in the excessive force or denial of medical care, or because they failed to intervene to prevent these violations. They also are liable because their use of excessive non-deadly force acted as a catalyst for the later use of deadly force, whether unreasonable or otherwise.

37. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS was willful, wanton, malicious and done with reckless disregard for the rights and safety of JONSRUD and therefore warrants the

1 imposition of exemplary and punitive damages as to Defendants ESSEX, RITCHIE,
2 TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS.

3 38. Accordingly, Defendants ESSEX, RITCHIE, TAPIA, HUNTER,
4 SANDOVAL, and DOE OFFICERS each are liable to JONSRUD for compensatory
5 and punitive damages under 42 U.S.C. § 1983.

6
7 **THIRD CLAIM FOR RELIEF**

8 **Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

9 (Against Defendants CITY and DOE SUPERVISORS)

10 39. Plaintiff repeats and realleges each and every allegation in paragraphs 1
11 through 38 of this Complaint with the same force and effect as if fully set forth
12 herein.

13 40. On and for some time prior to February 25, 2009 (and continuing to the
14 present date) Defendants CITY and DOE SUPERVISORS deprived Plaintiff of the
15 rights and liberties secured to him by the Fourth and Fourteenth Amendments to the
16 United States Constitution, in that said defendants and their supervising and
17 managerial employees, agents, and representatives, acting with gross negligence and
18 with reckless and deliberate indifference to the rights and liberties of the public in
19 general, of Plaintiff, and of persons in his class, situation and comparable position in
20 particular, knowingly maintained, enforced and applied an official recognized CITY
21 custom, policy, and practice of:

- 22 (a) Employing and retaining as Police Officers and other personnel,
23 including ESSEX, RITCHIE, TAPIA, HUNTER, and DOE
24 OFFICERS, who Defendants CITY and DOE SUPERVISORS at
25 all times material herein knew or reasonably should have known
26 had dangerous propensities for abusing their authority, for
27 mistreating citizens by failing to follow written CITY Police
28

1 Department policies, and using excessive force including deadly
2 force on prior occasions;

3 (b) Of inadequately supervising, training, controlling, assigning, and
4 disciplining CITY Police Officers, and other CITY personnel,
5 including ESSEX, RITCHIE, TAPIA, HUNTER, and DOE
6 OFFICERS, who Defendants CITY and DOE SUPERVISORS
7 each knew or in the exercise of reasonable care should have
8 known had the aforementioned propensities and character traits;

9 (c) By maintaining grossly inadequate procedures for reporting,
10 supervising, investigating, reviewing, disciplining and
11 controlling the intentional misconduct by Defendants ESSEX,
12 RITCHIE, TAPIA, HUNTER, and DOE OFFICERS, who are
13 CITY Police Officers;

14 (d) By failing to adequately train officers, including Defendants
15 ESSEX, RITCHIE, TAPIA, HUNTER, and DOE OFFICERS,
16 and failing to institute appropriate policies, regarding
17 constitutional procedures and practices for use of a Taser, use of
18 firearms, and field contacts with persons believed to be under the
19 influence of drugs or alcohol; and

20 (e) By having and maintaining an unconstitutional custom and
21 practice of using excessive force including deadly force against
22 unarmed individuals, detaining and arresting individuals without
23 probable cause, denying medical care, and covering up police
24 misconduct, which is also demonstrated by inadequate training
25 regarding these subjects. These customs and practices by CITY
26 and DOE SUPERVISORS were done with a deliberate
27 indifference to individuals' safety and rights.
28

1 41. By reason of the aforementioned policies and practices of Defendants
2 CITY and DOE SUPERVISORS, JONSRUD suffered severe pain and suffering,
3 mental anguish, humiliation, and emotional distress, and incurred substantial
4 medical and legal expenses and lost earning capacity.

5 42. Defendants CITY and DOE SUPERVISORS, together with various
6 other officials, whether named or unnamed, had either actual or constructive
7 knowledge of the deficient policies, practices and customs alleged in the paragraphs
8 above. Despite having knowledge as stated above these defendants condoned,
9 tolerated and through actions and inactions thereby ratified such policies. Said
10 defendants also acted with deliberate indifference to the foreseeable effects and
11 consequences of these policies with respect to the constitutional rights of Plaintiff,
12 and other individuals similarly situated.

13 43. By perpetrating, sanctioning, tolerating, and ratifying the outrageous
14 conduct and other wrongful acts, and for failing to discipline the involved officers,
15 Defendants CITY and DOE SUPERVISORS acted with an intentional, reckless, and
16 callous disregard for the well-being of Plaintiff and his constitutional as well as
17 human rights. Defendants CITY and DOE SUPERVISORS and each of their
18 actions were willful, wanton, oppressive, malicious, fraudulent, and extremely
19 offensive and unconscionable to any person of normal sensibilities.

20 44. Furthermore, the policies, practices, and customs implemented and
21 maintained and still tolerated by Defendants CITY and DOE SUPERVISORS were
22 affirmatively linked to and were a significantly influential force behind Plaintiff's
23 injuries.

24 45. Accordingly, Defendants CITY and DOE SUPERVISORS each are
25 liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.

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FOURTH CLAIM FOR RELIEF

**False Arrest/False Imprisonment (Cal. Govt. Code § 820 and California
Common Law)**

(Against All Defendants Except Doe Supervisors)

46. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 45 of this Complaint with the same force and effect as if fully set forth herein.

47. ESSEX, RITCHIE, TAPIA, HUNTER, and DOE OFFICERS, while working as Police Officers for the CITY Police Department, and acting within the course and scope of their duties, and SANDOVAL, intentionally deprived JONSRUD of his freedom of movement by use of force, threats of force, menace, fraud, deceit, and unreasonable duress. ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS also arrested JONSRUD without an arrest warrant.

48. JONSRUD did not knowingly or voluntarily consent.

49. JONSRUD was caused to suffer severe emotional distress, severe pain and suffering, mental anguish, humiliation, and false arrest.

50. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS was a substantial factor in causing the harm of JONSRUD.

51. The CITY is vicariously liable for the wrongful acts of ESSEX, RITCHIE, TAPIA, HUNTER, and DOE OFFICERS pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

52. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award of exemplary and punitive damages.

FIFTH CLAIM FOR RELIEF

Assault/Battery (Cal. Govt. Code § 820 and California Common Law)
(Against Defendants ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and
CITY)

53. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 52 of this Complaint with the same force and effect as if fully set forth herein.

54. ESSEX, RITCHIE, TAPIA, and HUNTER, while working as Police Officers for the CITY Police Department, and acting within the course and scope of their duties, and SANDOVAL, intentionally assaulted, battered, and shot JONSRUD. ESSEX, RITCHIE, TAPIA, and HUNTER had no legal justification for the attacks, and their use of force against JONSRUD while carrying out their police duties was an unreasonable use of force.

55. As a direct and proximate result of Defendants' conduct as alleged above, JONSRUD suffered severe pain and suffering, mental anguish, humiliation, and emotional distress, and incurred medical expenses and lost earning capacity.

56. The CITY is vicariously liable for the wrongful acts of ESSEX, RITCHIE, TAPIA, and HUNTER pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

57. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, and SANDOVAL was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award of exemplary and punitive damages.

SIXTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code § 820 and California Common Law)

(Against All Defendants)

58. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 57 of this Complaint with the same force and effect as if fully set forth herein.

59. The actions of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, DOE OFFICERS, and DOE SUPERVISORS toward JONSRUD were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to use force including deadly force against, and to detain and arrest JONSRUD;
- (b) the failure to monitor and record any use of force by CITY Police Officers, including ESSEX, RITCHIE, TAPIA, and HUNTER;
- (c) the failure to monitor and record any injuries specifically caused by the use of force by CITY Police Officers, including ESSEX, RITCHIE, TAPIA, and HUNTER;
- (d) the negligent tactics and handling of the situation with JONSRUD;
- (e) the negligent use of force including Tasers and firearms against, and the detention and arrest of JONSRUD;
- (f) the failure to properly train and supervise employees, both profession and non-professional, including ESSEX, RITCHIE, TAPIA, HUNTER, DOE OFFICERS, and DOE SUPERVISORS;

- (g) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of JONSRUD;
- (h) the failure to timely obtain medical care to JONSRUD; and
- (i) the negligent manner in which SANDOVAL was allowed to and did in fact ride along with ESSEX.

60. As a direct and proximate result of defendants' conduct as alleged above, and other undiscovered negligent conduct, JONSRUD suffered severe pain and suffering, mental anguish, humiliation, and emotional distress, and incurred substantial medical and legal expenses and lost earning capacity.

61. The CITY is vicariously liable for the wrongful acts of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, DOE OFFICERS, and DOE SUPERVISORS pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

62. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, DOE OFFICERS, and DOE SUPERVISORS was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award of exemplary and punitive damages.

SEVENTH CLAIM FOR RELIEF

Intentional Infliction of Emotional Distress (Cal. Govt. Code § 820 and California Common Law)

(Against Defendants ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, DOE OFFICERS, and CITY)

1 63. Plaintiff repeats and realleges each and every allegation in paragraphs 1
2 through 62 of this Complaint with the same force and effect as if fully set forth
3 herein.

4 64. ESSEX, RITCHIE, TAPIA, HUNTER, and DOE OFFICERS, while
5 working as Police Officers for the CITY Police Department, and acting within the
6 course and scope of their duties, and SANDOVAL, engaged in conduct that was
7 outrageous, including but not limited to:

8 (a) Falsely detaining and arresting, and using excessive force
9 (including use of Tasers and firearms) against JONSRUD, who
10 was not resisting arrest, posed no safety threat, and had not
11 committed any crime;

12 (b) Failing to summon medical assistance for JONSRUD; and

13 (c) Ignoring evidence of JONSRUD's innocence and taking steps to
14 cover up the wrongful conduct.

15 65. ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE
16 OFFICERS abused a position of authority over JONSRUD, and knew that their
17 conduct would likely result in harm due to mental distress.

18 66. ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL, and DOE
19 OFFICERS intended to cause JONSRUD emotional distress, or acted with reckless
20 disregard of the probability that JONSRUD would suffer emotional distress,
21 knowing that JONSRUD was present when the conduct occurred.

22 67. JONSRUD suffered severe emotional distress, including suffering,
23 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and
24 shame.

25 68. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL,
26 and DOE OFFICERS was a substantial factor in causing the severe emotional
27 distress of JONSRUD.

28

1 69. CITY is vicariously liable for the wrongful acts of ESSEX, RITCHIE,
2 TAPIA, HUNTER, and DOE OFFICERS pursuant to section 815.2 of the California
3 Government Code, which provides that a public entity is liable for the injuries
4 caused by its employees within the scope of the employment if the employee's act
5 would subject him or her to liability.

6 70. The conduct of ESSEX, RITCHIE, TAPIA, HUNTER, SANDOVAL,
7 and DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a
8 conscious disregard for the rights of Plaintiff, entitling Plaintiff to an award of
9 exemplary and punitive damages.

10
11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff requests entry of judgment in his favor and against
13 Defendants City of Desert Hot Springs, Officer Larry Essex, Sergeant Robert
14 Ritchie, Officer Paul Tapia, Officer Jason Hunter, Raul Sandoval, and Does 1-10,
15 inclusive, as follows:

- 16 A. For compensatory damages in the amount to be proven at trial;
17 B. For punitive damages against the individual defendants in an
18 amount to be proven at trial;
19 C. For interest;
20 D. For reasonable costs of this suit and attorneys' fees; and
21 E. For such further other relief as the Court may deem just, proper,
22 and appropriate.

23 DATED: October 12, 2009

LAW OFFICES OF DALE K. GALIPO

24
25 By

26 Dale K. Galipo
27 Attorneys for Plaintiff
28

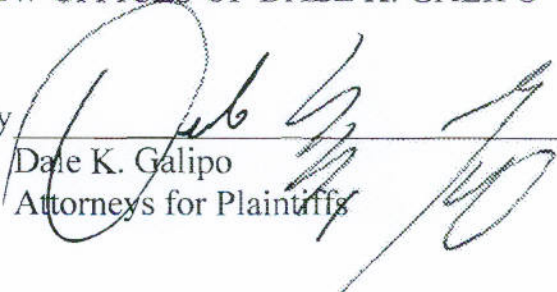
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: October 12, 2009

LAW OFFICES OF DALE K. GALIPO

By


Dale K. Galipo
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	
TRAVIS JONSRUD, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> CITY OF DESERT HOT SPRINGS, OFFICER LARRY ESSEX, SERGEANT ROBERT RITCHIE, OFFICER PAUL TAPIA, OFFICER JASON HUNTER, RAUL SANDOVAL, and DOES 1-10, inclusive, <p style="text-align: center;">Defendants.</p>	Case Number: <div style="text-align: center; font-size: 1.5em;"> ED CV 09 - 01912 - OP </div> <div style="text-align: center; margin-top: 20px;"> SUMMONS </div>

TO: THE ABOVE-NAMED DEFENDANTS (S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney.

Dale K. Galipo, Esq., whose address is:

Law Offices of Dale K. Galipo
 21800 Burbank Blvd., Suite 310
 Woodland Hills, California 91367

An answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim
 Which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of
 the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the
 complaint.

TERRY NAFISI
 CLERK, U.S. DISTRICT COURT

Date:

OCT 13 2009

By: _____

G. GUZMAN
 Deputy Clerk
 (Seal of the Court)

SUMMONS

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 TRAVIS JONSRUD

DEFENDANTS

CITY OF DESERT HOT SPRINGS, OFFICER LARRY ESSEX,
 SERGEANT ROBERT RITCHIE, OFFICER PAUL TAPIA, OFFICER
 JASON HUNTER, RAUL SANDOVAL, and Does 1-10, inclusive,
 County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
 Riverside

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 DALE K. GALIPO, ESQ., SBN. 144074
 LAW OFFICES OF DALE K. GALIPO
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 dalekgalipo@yahoo.com

Attorneys (If Known)

Unknown

FILED BY FAX
 CRC 2005

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
 (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of
 Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|--|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place
of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place
of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a
Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from
State Court ☐ 3 Remanded from
Appellate Court ☐ 4 Reinstated or
Reopened ☐ 5 Transferred from
another district
(specify): ☐ 6 Multi-District
Litigation ☐ 7 Appeal to District
Judge from Magistrate
Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT:** \$ To

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Unreasonable Search and Seizure—Detention and Arrest (42 U.S.C. § 1983), Unreasonable Search and Seizure—Excessive Force and Denial of Medical Care (42 U.S.C. § 1983), Municipal Liability for Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983), False Arrest/False Imprisonment, Assault/Battery, Negligence, Intentional Infliction of Emotional Distress

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 445 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litig. <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 D/WC/DIWW (405(g)) <input type="checkbox"/> 864 SS/D Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number:

ED CV 09 - 01912

OP

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). **RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☒ Check here if the U.S. government, its agencies or employees is a named plaintiff.

RIVERSIDE

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☒ Check here if the U.S. government, its agencies or employees is a named defendant.

RIVERSIDE

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

RIVERSIDE

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____ Date 10/12/2009

DALE K. GALIPO

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))